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1 article, the *Smithsonian* article and Schweitzer's discovery.  
2 It's a pretty amazing discovery.  
3 Q. During your previous testimony, you talked about the  
4 hydrosphere. John, real simply, is the hydrosphere a  
5 hypothesis or a theory?  
6 A. It's a hypothesis.  
7 Q. Now, previously when you testified, you articulated that  
8 it was a theory, so is your previous testimony right or is  
9 your previous testimony wrong as it relates to the  
10 hydrosphere?  
11 A. It's a hypothesis.  
12 Q. Okay.  
13 A. So theory would be incorrect.  
14 Q. Now, your personnel evaluation from October 20th, 2002,  
15 the one that states a hypothesis is an educated guess, is  
16 that still your correct understanding as to what a hypothesis  
17 is?  
18 A. Yes, that's a -- that's a way that I would explain it.  
19 Q. I'm going to hand you Employee Exhibit 114 and 112. One  
20 is the astronomy book and one is the cell book. In the red  
21 book, the astronomy book, I direct your attention to page  
22 50-51. And in the green book, the cell book, I'm directing  
23 your attention to page 138 and 139. Take a look at them.  
24 A. Okay.  
25 Q. Now, in the one book, did it mention the word

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1 "hypothesis," like, three times on one page as it relates to  
2 the early atmosphere of the earth?  
3 A. Yes.  
4 Q. And in the other book, is it talking about the early  
5 beginnings of the earth?  
6 A. Yes.  
7 Q. Are these the places where you would have talked about  
8 the hydrosphere theory or the hydrosphere hypothesis?  
9 A. Yes. This would be the spot, yes.  
10 Q. And is the hydrosphere anything more than a hypothesis?  
11 A. It's a hypothesis, just like the hypothesis on page  
12 50-51. Again, we're getting into that which I tried to  
13 discuss a little earlier today, is the concrete/abstract  
14 thinking, where extrapolating evidence, information back and  
15 trying to make -- infer what the atmosphere looked like. And  
16 it was just -- we don't have eyewitnesses, so we are using  
17 evidence we have today and extrapolating backwards and trying  
18 to figure out what it is.  
19 Q. Now, Zach Dennis testified that you didn't specifically  
20 mention Noah's flood but that he implied Noah's flood from  
21 this discussion about the hypothesis regarding the  
22 hydrosphere. Very specifically, were you trying to promote  
23 the biblical story of Noah's flood from the discussion of the  
24 hydrosphere hypothesis?  
25 A. No.

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1 Q. Now, are you supposed to talk about hypothesis as part  
2 of your academic content standards?  
3 A. Absolutely.  
4 Q. Okay. And on page 216 of Board Exhibit No. 37, take a  
5 look there at Benchmark A.  
6 A. I'd have to go back to page 215 on that.  
7 Q. Is part of the -- I'm sorry, it's on page 215. You're  
8 right.  
9 Earlier, you testified that the eighth grade indicator  
10 that under nature of science is essentially the scientific  
11 method. Right?  
12 A. Yes.  
13 Q. And hypothesis is something you're supposed to study as  
14 part of the scientific method. Correct?  
15 A. Yes. You can actually see that there in Benchmark A.  
16 Q. John, your previous testimony, and we learned from  
17 Carrie Mahan, that there was a debate that took place in your  
18 class with regard to creation versus evolution. Do you  
19 recall that testimony?  
20 A. Yes.  
21 Q. Now, are you familiar with the board policy -- I'm  
22 handing you Employee Exhibit 84 as it relates to academic  
23 freedom of teachers. Do you see that?  
24 A. Yes.  
25 Q. Do you see it says, "Teachers and students need to be

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1 free to discuss and debate ideas"?  
2 A. Yes.  
3 Q. And you've been involved in other debates in  
4 Mr. Elifritz's class. Right?  
5 A. Yes.  
6 Q. Now, Carrie Mahan testified that the debate with the  
7 creation and evolution, that the students wanted to do that.  
8 Is that your understanding of how this came together?  
9 A. Yes.  
10 Q. Was it permissible to let the students have that debate?  
11 A. Yes.  
12 Q. Did you have to get approval to have that debate?  
13 A. No.  
14 Q. Now, here's something people may not appreciate. Was  
15 that particular debate regarding creation versus evolution  
16 held in every one of your eighth grade science classes during  
17 the class year of 2007-2008?  
18 A. No, it was not. Only that one because the kids  
19 initiated it.  
20 Q. Okay. So let me make sure. You did not have that same  
21 debate in every one of your classes?  
22 A. No.  
23 Q. Okay. Which class did that debate take place in?  
24 A. That was the eighth period, eighth grade class.  
25 Q. And do you recall how that -- how did the students

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1 A. It was how dinosaurs could live in areas like Alaska and  
 2 Antarctica, where they find greenhouse gases and fossils and  
 3 how fish fossils can be found on top of mountains. And it  
 4 was, the earth was, surrounded by, like, a dome of water,  
 5 condensed water, and then it could make it humid for  
 6 dinosaurs to live anywhere. And then one time it broke, it  
 7 flooded, so fish -- so it rose and then fish would be stuck  
 8 on top of mountains. And then the water flowed back out  
 9 again, and that was what killed a lot of dinosaurs and the  
 10 species.  
 11 Q. And was the implication of that that was the great flood  
 12 that Noah --  
 13 A. He didn't say that, but I took it that way.  
 14 Q. Did he indicate that that was evidence that the  
 15 dinosaurs lived at the same time as man as far as that? Do  
 16 you recall?  
 17 A. I don't remember.  
 18 Q. Now, you indicated that Mr. Freshwater handed out a  
 19 packet on Mount Saint Helens that you had to turn back in.  
 20 A. Yes.  
 21 Q. Were there other occasions that he handed out packets  
 22 that had to be turned back in?  
 23 A. Yes.  
 24 Q. Do you have any other examples of that that you can  
 25 recall at this time?

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1 A. There was one about Albert Einstein. And we did other  
 2 ones on sound waves and different kind of electrical waves,  
 3 like microwaves and radio waves and other examples. There  
 4 were a lot of other packets.  
 5 Q. Was there ever any phrase, that special phrase that  
 6 Mr. Freshwater asked students to use in conjunction --  
 7 A. Yes.  
 8 Q. -- with their class?  
 9 A. Yes.  
 10 Q. What was that phrase?  
 11 A. Here.  
 12 Q. And could you explain how that was to be used?  
 13 A. It was used -- in the textbook, when something was  
 14 stated as a fact that wasn't necessarily proven, we'd say  
 15 "here" after that.  
 16 Q. Now, in your class, did you study the periodic table?  
 17 A. Yes.  
 18 Q. And about how long did you study that?  
 19 A. A few weeks. We memorized a certain number of them.  
 20 Q. And did Mr. Freshwater ever give extra credit  
 21 assignments?  
 22 A. Yes.  
 23 Q. And is there any that he gave relating to intelligent  
 24 design?  
 25 A. Yes.

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1 Q. What was that extra credit assignment?  
 2 A. It was to go see the movie *Expelled* and write a  
 3 nonbiased paragraph about it.  
 4 Q. And did he talk about that movie to the Fellowship of  
 5 Christian Athletes as well?  
 6 A. Yes.  
 7 Q. And could you tell us what he did at Fellowship of  
 8 Christian Athletes with respect to that movie?  
 9 A. He got the kids together one Friday, I believe, to go  
 10 see it. And, also, he asked us to encourage the movie  
 11 theaters to play it there.  
 12 Q. By the way, did you ever study magnetism in class?  
 13 A. Yes.  
 14 Q. And do you recall anything of the discussions by  
 15 Mr. Freshwater about magnets?  
 16 A. About magnets, that opposites attract, and it should be  
 17 the same with humans.  
 18 Q. Okay. Let's change the subject again if we could. Talk  
 19 about the Fellowship of Christian Athletes. Do you know --  
 20 what's the Fellowship of Christian Athletes?  
 21 A. A time for Christian athletes to meet and talk about  
 22 God.  
 23 Q. And were you part of the Fellowship of Christian  
 24 Athletes --  
 25 A. Yes.

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1 Q. -- last year?  
 2 A. Yes.  
 3 Q. And how often did you meet?  
 4 A. Every Monday and Tuesday.  
 5 Q. Now, what were the different meetings?  
 6 A. Monday was in Mr. Freshwater's room, and it was the  
 7 leadership meeting, which was when we would watch movies and  
 8 talk about different things going on at churches.  
 9 Q. Okay. And who showed movies?  
 10 A. Mr. Freshwater.  
 11 Q. Who picked the movies?  
 12 A. I believe Mr. Freshwater did.  
 13 Q. What are some of the movies that he showed you?  
 14 A. One was on Islam, the Islam point of view for  
 15 terrorists. It was *Obsession*.  
 16 Q. Other kinds of movies that were shown?  
 17 A. There was *Invisible Children*, which is about college  
 18 kids making a documentary in Africa.  
 19 Q. Okay.  
 20 A. And there was another movie that I remember, but I don't  
 21 remember what it was called. It was just about different  
 22 points of views of people.  
 23 Q. What else happened at the leadership meetings?  
 24 A. Occasionally, we would call speakers. We'd pray. We'd  
 25 talk about different things going on in the churches, about